

The Halabi Papers

Part 1 : Replying to Abu Ruhayyim

Version 2.0

From the Words of Imaam Ibn Baaz

Imaam Ibn Baaz was asked, “Is replacement (of the Shari’ah) with the secular laws (tabdeel ul-qawaaneen) considered to be major kufr that expels from the religion?”. He replied, **“When he makes it permissible (istibaaha). When he makes it permissible to judge with a law other than the Shari’ah he becomes a disbeliever with the major kufr – if he makes that permissible...”** Ibn Baz then quoted the verse in al-Ma’idah (5:44) and then proceeded to quote the tafseer of Ibn Abbaas, “kufr doona kufr”. Then the questioner said, “Is there a difference between replacement (tabdeel) and between ruling in a particular issue? ... Tabdeel O Shaikh?” To which the Shaikh replied, “This (i.e. the above explanation) covers all of the manifestations, in all of the manifestations...”.

Refer to the book, “Hiwaar Hawla Masaa’il it-Takfeer Ma’a Allaamah ash-Shaikh Abdul-Azeez Ibn Baaz” and it is found also in al-Furqaan Magazine (no. 94)

INTRODUCTION

Instrumental in the recent wave of propaganda against one of the notables of Ahl us-Sunnah was that distorter of the true realities, agitated and disturbed on account of his loyalty towards the biased partisans – Abu Ruhayyim. And his true realities will shortly be uncovered for the world at large to see in the publication entitled, “Talee’at ul-Kashf al-Jahl il-Mukhayyim ‘An Abi Ruhayyim”. This is the one who - claiming studentship under the Imaam of Ahl us-Sunnah - in the period of no more than a few months changed from calling Shaikh al-Albani “the Imaam of Ahl us-Sunnah” to one who is in agreement with the Murji’ah and the People of Irjaa’!

When Shaikh Ali Hasan strove to compile the statements of the three Imaams of the Era, in a single book, such that every other saying would be cut off and left to the wayside, it enraged none but the Lords of Bid’ah and Qutubiyyah, amongst the Khawarij and other than them. For no refuge did they have and no knowledge based reply did they formulate and no sincerity of purpose did they display towards the Imaams of Ahl us-Sunnah of our times, chief amongst them Imaam al-Albani and Imaam Ibn Baaz – rather they strove with whatever they could of lies, deception and treachery to extinguish what had been brought together in a single book of the sayings of the three most notable and distinguished people of knowledge of the era, the two Imaams and Shaikh Ibn Uthaimeen¹.

So then the biased partisans began to search for whatever they could find – of side issues – to criticise and pull down the reputation of the book and that of its compiler – this being their chief aim and objective – having already been rendered incapable by what was found of agreement and conciliation between the words of the Notable Imaams.

And this behaviour is not too dissimilar to the actions of the ignorant Qutubis of the West, who promoted the book financed by the Jahmi Innovator and Zindeeq, Hassan Aleef Saqqaaf, against Shaikh Saleem al-Hilaalee, in which accusations were made against his integrity and scholarship – this being a natural extension of the efforts of the arch-Zindeeq, Saqqaaf himself who accused Imaam al-Albani with what is similar. And this is the way of the biased partisans in that they will find whoever will assist them in attacking Ahl us-Sunnah from amongst the rowdy hooligans and heretics amongst Ahl ul-Bid’ah.

Do you not see – O brother and sister Muslim for the sake of Allaah – that the one who murdered Shaikh Jameel ur-Rahmaan (the Mujahid of Afghanistan, the Establisher of Tawheed and the Islamic State) was a Qutubi (calling himself Abu Abdullaah ar-Roomee, from the Ikhwaan ul-Muslimeen), who was much devoted to learning, having been filled with the decadence of Sayyid Qutb and his books?!

Do you not see – O brother and sister Muslim for the sake of Allaah – that the one who murdered the noble Shaikh with three bullets to the head, was amongst the factions of Hikmatyar – the one who requested from the Iranian Rafidis, translations of the books of Sayyid Qutb to distribute amongst the people in order to start off his movement?

¹ And know that the verdict of the Committee does not change in the least what is contained in the explanations and clarifications of the words of the three Imaams brought together by Shaikh Ali Hasan, since the criticisms are levelled only at some of the comments made by Shaikh Ali Hasan and not to the bulk of the book – so beware. And as for these criticisms, then they will be addressed, one by one, in Paper 2 of this series, inshaa’llah.

Do you not know – O brother sister and Muslim – that the Lords of Bid’ah in every age and era assist and support each other in attempting to extinguish the light of Allaah – as the Qutubiyyah did in Afghanistan – due to their filthy and repugnant partisanship? Yet Allaah will complete it much to their dislike.

So just as the biased partisans have attempted to make Imaam al-Albani fall – like all of the Ahl ul-Bid’ah in their entirety have attempted over the last 60 years, it should come as no surprise that their legacy continues with the students of this illustrious Imaam – who have no doubt been a thorn in the throat of the People of Bid’ah and Qutubiyyah.

And as a natural extension of all this, Abu Ruhayyim strove to attack and revile Shaikh Ali Hasan with whatever he could and so he asked, over three years ago Shaikh al-Albani to read his book, in refutation of Shaikh Ali, and he was met with nothing but refusal, and was told not to cause discord and disunity by his actions amongst their ranks – but to no avail². And his condition remained as such over the years, being filled with rage and hatred all the while and showing his loyalty to and defence of the biased partisans amongst the Qutubiyyah – this culminating in his accusing Imaam al-Albani of being in agreement with the Murji’ah. Finally, in the recent months – not being able to contain himself -, he was led to write to the Permanent Committee to warn them against those who in his view were upon Irjaa’ (in his letter to them dated 5/4/1421H).

And there is no doubt that the Permanent Committee and its members, in our view, are people of knowledge and excellence, who are deserving of respect and love - but that does not at the same time necessitate that they are free from error and that their sayings are representative of the absolute truth – since consideration is given to evidence and as the reader will see in what is yet to come (of Shaikh Ali’s reply in the next Paper) – the evidence is actually with Shaikh Ali Hasan - and his view is but the view of the two notable Imaam’s of the Era on the issues of Imaan and Kufr and Takfir and the Secular Laws and the likes.

As for those who rejoiced most with the verdict of Permanent Committee, issued recently (14/6/1421H), then they were the Extremist Murji’ah amongst the Qutubiyyah and other than them from the Khawarij of the Era – those who defend the acts and statements of apostasy emanating from their chief and leader, hating that he is talked about, exposed and refuted – because he is more beloved to them than the Kaleem of Allaah, Moosa (alaihis-salaam) and more beloved to them than Uthmaan bin Affaan (radiallaahu anhu) and more beloved to them than the Banu Umayyah and more beloved to them than the Attributes of our Mighty Lord and more beloved to them than the Miracles of our Beloved Messenger (sallallaahu alaihi wasallam) – for they are stirred with hatred and rage for his sake and make their wrath descend upon those who promote the verdicts of the Ulamaa concerning him³, but they are not stirred for hatred and envy for the sake of the Attributes of our Mighty Lord, and nor for His Messengers, and nor for the best ones amongst the creation.

And in order to explain the true realities to the people at large – those with no ability to separate between the ignorant pretender and the genuine one, and between the truth and falsehood, we present to you something that had been written four months ago in refutation of the prattling of Abu Ruhayyim – the various criticisms he made against Shaikh Ali Hasan. Then, in our second

² As occurs in the cassette “Khaarijiyyah Asriyyah” (Dhul-Hijjah, 1417H) of Imaam al-Albani – in the words of Imaam al-Albani himself.

³ And then they accuse their opponents of not accepting the verdicts of the Scholars!!

paper we will provide a full translation of Shaikh Ali Hasan's response to the various claims made in the verdict of the Permanent Committee – so that the rejoicing of the Qutubiyah and their brethren amongst the biased partisans may come to an end – by the permission of Allaah.

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THE REPLY

So we say, seeking the aid and assistance of Allaah:

ONE: Shaikh Ali al-Halabi was accused by Abu Ruhayyim of denying and belittling al-Hakimiyyah, and this is an empty claim. Shaikh Ali said in (Fitnah of Takfir pp.5-6) , “And (there is) one who gives it the name ‘al-Haakimiyyah’ - **and this is a new terminology - which requires investigation and further insight!** But then he makes it the most important foundation of the religion! And the greatest aspect of the religion!! So that when aqeedah is mentioned to him, he carries it to mean ‘al-Haakimiyyah’ and when he (himself) mentions aqeedah, then it is to him - a single word - ‘al-Haakimiyyah’!!”⁴.

So these words of his were taken to mean his denial of Hakimiyyah. However he clearly stated that the usage of this term requires **investigation and further insight**. And then he cleared himself of this false accusation, stating in Saihatu Nadhir (the follow up to Fitnah of Takfir): “However there is a very important matter. **I differentiate between al-Hakimiyyah with its correct understanding and meaning in the view of Ahl us-Sunnah and the adherents to the Manhaj of the Salaf and between al-Hakimiyyah with its restricted and limited meaning in the view of the mukaffireen (those who perform takfir), the sentimentalists and the agitators.** And this is because that “al-Hakimiyyah [that] belongs to Allaah alone” - **applies to every facet of life - [both] worship and regulatory matters, to both aqidah and manhaj, to the guardian (amir) and the subject (ma'mur), to the ruler and the one ruled over** - and it is considered one of the fundamental principles of the Salafi Da'wah.”⁵

The objective behind this empty accusation is unclear. However, what is not unclear is that it clearly supports and defends the likes of Sayyid Qutb, Mohammad Qutb and those upon his way amongst the biased partisans - all of whom make the principle meaning of “Laa ilaaha ilallaaha” as being al-Haakimiyyah, and who towards this end, made Tawheed ul-Haakimiyyah a separate, independent category of Tawheed, and by that make takfir of all Muslim societies and nation states – as is known about Mohammad Qutb, that while resident in Saudi Arabia he would proclaim “this is a land of Jaahiliyyah” and so on – parroting the refuse of his brother, Sayyid Qutb who made takfir of all Muslim societies and nation states, because they are in the mires of pre-Islamic Jaahiliyyah in his demented view.

⁴ Fitnah of Takfir, (p.5). And the reference here is to the likes of Muhammad Qutb, those who perform takfir of the rulers and of whole nation states, and who claim that all of mankind are in need of being called afresh to Islaam, because they reject the principle requirement of Laa ilaaha ilallaaha which to them is ‘Haakimiyyah’!! Mohammad Qutb said, “**Certainly, the matter requires that the people be called afresh to Islaam. Not so because they – in this time – refuse to say with their mouths, ‘Laa ilaaha ilallaaha Muhammad Rasoolullaah’, as the people use to refuse to say it in the very first strangeness [i.e. the call of the Prophet Muhammad]. But [more so] because – in this time – reject the principle requirement of ‘Laa ilaaha illallaaha’ and that is judging to the Shari’ah of Allaah.**” [Waqi’una al-Mu’asir (p.29)]. But as for the ones who call upon the dead, and who venerate the shrines and who worship the saints and who fall into the various other acts of shirk, amongst those who nullify the Tawhid of Uluhiyyah, then no. They are not called afresh to Islaam and to the true understanding of Tawheed because they committed this type of Shirk with the Lord of the Worlds, rather the whole of mankind must be called afresh because they do not live under total Shar’iah rule, and hence they have rejected the Hakimiyyah of Allaah (**rulers and ruled**)!!

⁵ Shaikh Alee commented upon this last phrase “... and whoever is confused between considering this to be “one of the principles of the Salafi Dawah” and between making it “one of the pillars of Tawhid ul-Ibadah”, then all we can do is to make a supplication of guidance for him...” (Saihatu Nadhir p.87)

TWO: Abu Ruhayyim's claim that Shaikh Ali mocked Ahmad Shakir (may Allaah have mercy upon him). Shaikh Ali Hasan said, "So the statement of the one who says, "And that which we observe today is the desertion of Allaah's laws without exception, and the preference of the laws besides the judgement of the Book of Allaah and the Sunnah of His Prophet and a negation (ta'teel) of everything that is in the Sharee'ah of Allaah" – as has been "quoted and corroborated" in the book, 'Ash-Shari'yyah al-Ilaahiyyah La-Qawaaneen al-Wad'iyyah' (p.189) – [so these] are but emotional and sentimental words, the true knowledge based reality make these words severely lacking (in truth)."⁶

The words quoted are of Ahmad Shakir (through a secondary source) and with certainty, there is indeed a degree of exaggeration in the words of Allaamah Ahmad Shakir, since what he has stated is opposed to true reality. Shaikh Ali in replying to this nonsense of Abu Ruhayyim, stated, "So I appended a very light and lenient comment directed to the statement itself - **not the one who said it** – that these words are "but emotional and sentimental words, the true knowledge based reality make these words severely lacking (in truth)." And I am not in need of showing that highlighting the errors – with the mannerisms of knowledge – is not forbidden, rather it is a light which the people of knowledge and its students share with each other. But as for considering it to be an attack and considering such leniency to be mockery then this is but doubting people's intentions and sitting in the observatories (watching their every move to catch them out)!! So let us return back to the words of the Ustaadh, Ahmad Shakir, and see whether they are the truth (in light of the reality) or whether they are sentimental and emotional statements.

I had quoted from Shaikh Ibn Uthaimin in 'at-Tahdheer' (p.107) this statement in explanation of the condition of the rulers who rule with that which is in opposition to the Sharee'ah, "So we know that these rulers judge by what the Qur'aan gives evidence to – on the basis of the various differences within the madhhabs – in the personal matters such as nikah (marriage), faraa'id (inheritance) and what is similar to them. As for judging between people, then they differ..."

So are these words a true reality or are they just a mere claim?! If they are a reality then such "absolution" and "no exception" – which occurs in the words of the Ustaadh, Ahmad Shakir – is not correct...."⁷ End of Shaikh Ali's words.

So there is nothing in this for the biased partisans and all praise is due to Allaah.

THREE: Concerning the statements of Shaikh Muhammad bin Ibraaheem (rahimahullaah). As we have stated earlier, that there is a statement of Shaikh Muhammad bin Ibraaheem which causes the biased partisans to become unconscious and the sheer mention of it makes them swoon and terrified and they flee from it as they would flee from a hungry lion. And that is the statement in which the Shaikh affirms that judging by the secular laws and making them a

⁶ Fitnah of Takfir (p.29)

⁷ And then Shaikh Ali pointed out in the footnote on the same page that in actuality, by this little comment of his (concerning the sentimental and emotional claim) then he did not even intend by that the two Shakir brothers, but rather someone else!! So Abu Ruhayyim's accusation is baseless and is far from the truth...Refer to Saihatu Nadhir (p.101)

reference point can be kufr of action as well as kufr of belief and the determining factor for either type of kufr would be the presence or absence of I'tiqaad⁸.

So the way of Ahl us-Sunnah is to reconcile and bring the statements together and understand them in light of each other. So either we say that those statements which are absolute and generalised (i.e. those in which such a differentiation has not been made) are decisive and overrule everything else, or we say that those in which the differentiation has been made between the kufr of action and kufr of belief (with respect to secular laws) are a detailed explanation of what is general and absolute.⁹

⁸ "...And similarly, more important than that, is what the deviants, heretics and Orientalists are entering into the ideas and thoughts of the Muslims in causing doubts about the foundation of their religion and causing them to stray from the Sunnah of their Prophet (sallallahu alaihi wasallam) and his sharee'ah, **and judging by the secular law which is in opposition to the Islamic Sharee'ah**. And the most important [part of all of this] is being acquainted with the foundation of Tawheed, that which Allaah sent His Messenger Muhammad (sallallahu alaihi wasallam) with, to actualise it in both word and deed, and to fight against everything that opposes it such as the major Shirk which expels from the religion or the variety of minor forms of shirk. This is the actualisation of 'Laa ilaaha ilallaaha'. The actualisation of the meaning of 'Muhammad is the Messenger (sallallahu alaihi wasallam)' is from judging to his sharee'ah and confining oneself to that - and rejecting whatever is in opposition to that from amongst the rules (qawaaneen) and regulations and all those things for which Allaah has not revealed any authority. **And the one who judges by them (hakama bihaa) or refers to them (haakama ilaihaa) - for judgement whilst believing (mu'taqidan) in the correctness (sihhah) of that or the permissibility (to judge by them) (jawaaz), then he is a kaafir with the kufr that ejects from the religion. And if he does that without belief (I'tiqaad) in their correctness and (regarding it) permissible to judge by them (jawaaz), then he is a kaafir with the kufr in action, which does not eject from the religion.**" [Majmoo Fataawaa Ibn Ibraahim 1/80]

⁹ And the Tafseel concerning the saying of Shaikh Ibn Ibraaheem occurs in the saying of Shaikh Salih al-Fawzaan also. There occurs on the cassette (Question and Answers on al-Haakimiyyah Article ID **MNJ050014** at SalafiPublications.Com):

Questioner: "Someone has understood from your words in Kitaab ut-Tawheed, which are from your comments, with regards to the issue of al-Haakimiyyah and ruling by other than what Allaah has revealed. So they have understood from them that [by the act alone] you perform specific takfir of a specific ruler who does not judge by what Allaah has revealed. And then they applied (what they understood from your words) to the rulers of the Gulf states.

Shaikh al-Fawzan: [Laughs]... is it due to hawaa (desire)?... the words are clear, there is no ambiguity in them, the words are clear. **The distinction (tafsil) that is mentioned (i.e. previously in the beginning of the chapter) relates to them.** And it was then said after that that the one who banishes the Shari'ah entirely and puts another law in its place, that this indicates that he views the [secular] law to be better than the Sharee'ah, **and whoever holds this opinion, he is the one who is a kaafir [emphasis given]**. This is in the same book itself... however they only take [from the book] according to their own understanding of it and what is of benefit to them, yet they abandon the rest of the words. **If they had read the words from the beginning, the matter would have become clear [to them].**

Questioner: And the statement of Shaikh Muhammad Ibn Ibraheem is [understood] in the same way?

Shaikh al-Fawzan: Yes, it is the same. His words mean that the one who abolishes the Shari'ah and puts in its place another law, **then this indicates that he considers this law to be better than the Sharee'ah. And [subsequently] whoever considers this law to be better than the Sharee'ah, then such a one is a kaafir in the view of everybody, there is no doubt in this.** End of quote.

And the words of Ibn Ibraaheem being alluded to here are the words that are quoted by Shaikh Fawzaan in his Kitaab ut-Tawheed: "And Shaikh Muhammad bin Ibraaheem said, 'As for what has been said regarding it, that it is the lesser disbelief (kufr doona kufr) when he judged to someone other than Allaah (or something other than what Allaah has revealed) while believing that he is disobedient and that the judgement of Allaah is the truth, then this is something that occurs from him once or something like that (i.e. occurs infrequently or intermittently). As for the one who lays down laws in an organised and arranged

And what is correct is that the specific explains the general. Otherwise we say that there is a contradiction. Further, the statement of the Shaikh in which he tends to the same differentiation as the rest of the Salaf concerning ruling by laws other than the Shari'ah came **five years after** the printing of his treatise 'Tahkim ul-Qawanin'. So whichever angle we look at it, there is no escape for the Qutubis from this decisive statement of Shaikh Muhammad bin Ibraaheem. And to this day, not a single one of these biased partisans has even dared to address it. Their only concern is to find fault with those who try to be objective and bring together all of the evidences and to reconcile.... And from Allaah is the refuge.

And then let us hear the words of Imaam Ibn Baz, the student of Shaikh Muhammad bin Ibraaheem himself. In the Kuwaiti magazine, "al-Furqan", no 28 (p. 16) is the transcript of gathering that took place with the Noble Shaikh `Abdul-`Aziz Bin Baz – rahimahullaah – and he is the student of Shaikh Muhammad bin Ibrahim and the spreader of his knowledge. In this gathering he was asked the following question:

"There is a fatwa of Shaikh Muhammad bin Ibrahim Aal Shaikh – rahimahullaah – which the People of Takfir use to demonstrate that the Shaikh did not differentiate between the one who ruled by other than the Sharee'ah of Allah - `Azza wa Jalla – while he declares this act of his to be permissible (mustihillan), and the one who is not like this (i.e. does not declare his act to be permissible) – (while this) differentiation is well known amongst the Ulamaa."

Shaikh Ibn Baz replied: "This matter is firmly established with the Ulamaa – as I have mentioned previously – **that the one who declares that to be permissible (man istahalla dhalik) then he has disbelieved**. As for the one who does not declare that to be permissible, such as the one who judges subject to bribery and similar things, then this is only the minor kufr (kufr doona kufr). And when an Islamic State is established and which has power and capability, then it

manner and requests submission and compliance to them, then this is disbelief, even if he says, 'We have erred, and the Shari'ah laws are more just'".

So Shaikh Salih al-Fawzaan explains that at the beginning of the chapter, he made the Tafseel (of the Salaf) concerning this issue, and here is the text:

"Chapter: The Ruling Upon the One Who Judges by Other Than What Allaah Has Revealed"

Allaah the Most High said, "And whosoever does not judge by what Allāh has revealed, such are the Kāfirūn" (Al-Ma'idah 5:44). This noble verse shows that ruling by other than what Allaah has revealed is kufr (disbelief). **This kufr can sometimes be the major disbelief which expels from the religion and sometimes it can be the minor disbelief which does not expel from the religion. And this is based upon the state and condition of the ruler.**

So if he believes that ruling by what Allaah has revealed is not obligatory and that he has a choice in the matter, or if he belittles the rule of Allaah and believes that the secular laws and legislative codes are better than it, and that the it is not suitable for this era, or if he sought to please the disbelievers and the hypocrites by ruling by other than what Allaah has revealed, then all of this is the major disbelief .

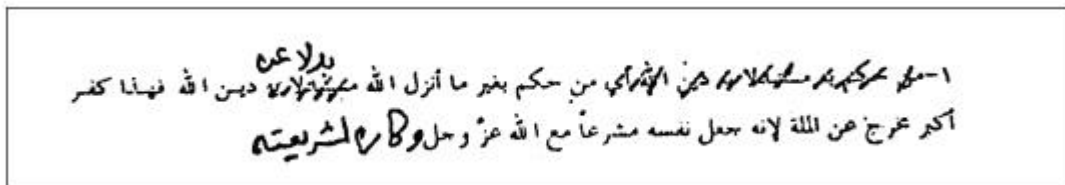
However, if he believed in the obligation to rule by what Allaah has revealed and knew what the judgement was in this instance, but he turned away from it while acknowledging that he is deserving of punishment, then he is a sinner and is labelled a kaafir with the minor form of disbelief. And if he was ignorant of the judgement of Allaah concerning it while having striven hard and expended efforts in knowing the judgement but erred, then he will receive a reward for his ijtihaad and his error will be forgiven. This is in relation to a particular matter" End of quote.

should struggle against the one who does not judge by what Allaah has revealed until it forces him to do so." The questioner said, "But they use the fatwa of Shaikh Muhammad bin Ibrahim as evidence?!" Shaikh Bin Baz replied: "Muhammad bin Ibrahim is not infallible (ma'soom), he is but a scholar from amongst the scholars, he is sometimes correct and sometimes in error and he is not a Prophet nor a Messenger. Likewise, Shaikh ul-Islaam Ibn Taymiyyah, Ibn al-Qayyim, Ibn Kathir and other scholars. All of them are sometimes correct and they sometimes err. But only what conforms to the truth is taken from their statements and as for what opposes the truth, then it is rejected from the one who said it."

So the truth of the matter is that the Mukaffirah use the generalised statements of Shaikh Muhammad bin Ibraaheem and leave the decisive statements.

FOUR: Concerning the statements of Shaikh Ibn Uthaimeen and Shaikh Ali's comments upon them. Firstly, Shaikh Ibn Uthaimeen's commentary upon the fatwa of Imaam al-Albani on secular laws and takfir was recorded on cassette. This commentary then appeared in numerous magazines and papers, being transcribed directly from the cassette recording.

However, the actual text that Shaikh Ali included in his book, Fitnah of Takfir, was checked by Shaikh Ibn Uthaimeen himself and he amended and edited it!! So the text that appears in the book of Shaikh Ali is the most accurate. Further, Shaikh Ibn Uthaimeen sent his corrected version, with his own comments in his own handwriting to Shaikh Ali Hasan. When Shaikh Ali wrote his reply to Abu Ruhayyem's claims, he included one example of where Shaikh Ibn Uthaimeen had amended his own words (and actually included a picture of the actual manuscript – refer to Saihatu Nadheer p.63) – and here it is:



On the cassette Shaikh Ibn Uthaimeen said, "Whoever ruled by it (i.e. other than what Allaah has revealed) replacing (mustabdillan bihi) the religion of Allaah by it, meaning whoever rules by other than what Allaah has revealed, replacing (mustabdillan bihi) the religion of Allaah by it, then this is the major disbelief which expels from the religion of Allaah, because such a one made himself a legislator along with Allaah, the Mighty and Majestic.

However, the Shaikh changed this wording in the manuscript he sent back to Shaikh Ali Hasan and the new wording was, "The one who judged by other than what Allaah has revealed, **in replacement of the Deen of Allaah (badlan an deenillaah)**. This is the major kufr which expels from the religion. This is because this individual made himself a legislator along with Allaah, the Mighty and Majestic **and because he dislikes the Sharee'ah.**"

So Alhamdulillah, it is the biased partisans, who do not research and verify, but only seek to defend individuals and personalities. As you can see there is nothing in this which warrants criticism. Rather the one who claimed that Shaikh Ali distorted the words of Shaikh Ibn Uthaimeen ought to be rebuked! ¹⁰

¹⁰ Refer to Saihatu Nadhir (p.63)

Secondly, there was another statement of Shaikh Ibn Uthaimen which the Takfiris depended upon and that is his statement, “And it is **in my opinion (dhann)** that it is not possible for a person to apply and establish such laws that oppose the Shari’ah and which are referred to by the slaves of Allaah for judgement **except that he declares this to be permissible (stahallahu) and holds the belief (ya’taqidu) that such laws are better the Shari’ah laws.** Hence, he is a disbeliever. This is what is apparent, and if not then what [motive] is it that carried him to undertake this?” However Shaikh Ibn Uthaimen immediately followed these words by stating, “**Sometimes it can be his fear of not undertaking this act on account of people who are stronger than him - that makes him undertake this act [of ruling by secular law]. So here he would be compromising with them. So here we would say that such a one is like those who compromise with respect to the other sins**”.¹¹

So it is clear that Shaikh Ibn Uthaimen did not make ruling by the secular laws a disbeliever absolutely, without restriction. Rather, he considered it plausible that the act could arise due to other motives such as fear and others.¹² And therefore, the mere act in and of itself, is not sufficient to warrant takfir of an individual.

However, what is truly amazing is that Abu Ruhayyim (remember he is accusing Shaikh Ali of toying with the statements of the scholars) actually saw all of these words of Shaikh Ibn Uthaimen, but when he quoted them in his book (the one in which he attempts to refute Shaikh Ali) he omitted this last part and cut it off!!¹³

Of course, if you cut this last part off, then you get one picture, and when you include it you get the totally opposite picture! So be warned – brother and sister Muslim – and don’t be affected by the prattling of the prattlers, those who accuse others of a crime and then fall into it themselves!

¹¹ Fitnah of Takfir (pp. 74-75)

¹² Shaikh Ibn Uthaimen said in Qawl ul-Mufeed (2/263-269), “As regards the one who lays down legislative laws, despite his knowing the judgement of Allaah and that these laws are contrary to Allaah’s judgement - then this person has substituted these laws in place of the Sharee’ah. Therefore he is a kaafir - this because **he does not choose these laws and turn away from Allaah’s Sharee’ah except due to his belief that they are better for the people and the land than the law of Allaah. But when we say that he is a kaafir, then the meaning of this is that this action leads to disbelief. However the one who [legislates these rules] may have an excuse - for example he may be one who has been deluded: such that it has been said to him that this does not conflict with Islaam, or that it is something allowable as a case of benefitting the people (masaalih al-mursala), or that it is something that Islaam has left up to the [custom of] the people. So there are some scholars - even though they are in error - who say that social transaction (mu’aamalaat) is something not dealt with by Islaam, and that rather it is referred to whatever is found to benefit the economy in each particular time. So if the situation requires us to establish usury banks or to tax the people then there is no problem with this. There is no doubt concerning the error of [such a claim]. So if these people performed ijtihaad then may Allaah forgive them. Otherwise they are in a situation of very great danger and it is befitting that they are entitled ‘scholars of the state’ and not ‘scholars of the Religion.**”

¹³ Compare between Fitnah of Takfir of Shaikh Ali (p.73) and the ‘Tahdhir’ of Abu Ruhayyim (p.28)

FIVE: Abu Ruhayyam's claim against Shaikh Ali that his accusation against Mohammad Qutb of clipping the words of Shaikh ul-Islaam Ibn Taymiyyah¹⁴ was unjust in the sense that Mohammad Qutb quoted these words during his refutation of Mohammad Abduh and his view on Takfir.

This claim in reality has no substance to it because whoever follows up the works of the Takfiris and look at how they quote this statement of Shaikh ul-Islaam Ibn Taymiyyah, then they consistently omit the last sentence from his words. Safar al-Hawali did the same thing in his book 'al-Ilmaaniyyah' and you find the same thing from the likes of 'Abdullaah Azzaam. So the issue is that the Mukaffirah depend upon this omission to prove what they want to prove from the words of Shaikh ul-Islam and this particular omission of the words of Shaikh ul-Islaam is very common in their books.

But what is amazingly strange is that why did Abu Ruhayyam make defending Mohammad Qutb and his students the issue in this matter and not whether the words of Shaikh ul-Islaam should be quoted completely, and that omitting anything from them changes their meaning?!! This was the basis of his claims against Shaikh Ali al-Halabi – but then when this matter occurs from others, and Shaikh Ali al-Halabi points that out, Abu Ruhayyim then proceeds to defend the individuals, rather than to investigate the words of Shaikh ul-Islaam and to affirm the truth concerning them so that the biased partisans do not continue to do injustice to the words of Shaikh ul-Islaam? So there are double standards here.

What gives further evidence to what we have mentioned above is that Abu Ruhayyim found fault with the fact that Shaikh Ali al-Halabi called Mohammad Qutb 'the activist thinker' (al-mufakkir al-harakiyy) and considered this to be mockery. And then he went on to call Shaikh Ali 'the pacifist thinker (al-mufakkir as-sukoonee)'?! So you see, it is partisanship and the defence of individuals and personalities! For why criticise someone for something and then go and do it yourself?

SIX: Concerning the issue of the replaced law (al-hukm al-mubaddal) and when it necessitate the disbelief that expels from the religion.

¹⁴ Shaikh ul-Islaam Ibn Taymiyyah said in his great book 'Minhaaj us-Sunnah' (5/131): "And there is no doubt that the one who **does not believe (l'taqada)** in the obligation to judge by what Allaah has revealed upon His Messenger is a kaafir (disbeliever). Therefore, **the one who declares it permissible (istihalla)** to judge amongst the people with what he considers to be justice, without following what Allaah has revealed, then he is a disbeliever..."

Then after some words he said: "...For many people have accepted Islaam but along with this they do not judge except by their natural [inherited] customs, those which are ordered by those whom they obey. **So if they know (ma'rifah)** that it is not permissible to judge except by what Allaah has revealed and did not adhere to that, but in fact **declared it to be lawful (istahalloo)** for themselves to judge in opposition to what Allaah has revealed, then they are disbelievers. **And if not [i.e. did not declare it lawful for themselves] then they are [merely] ignorant people, like those whose affair has just been discussed...**"

Mohammad Qutb, when quoting this from Ibn Taymiyyah, omitted the last sentence. His student, Safar al-Hawali, when discussing this topic also omitted this last statement. And this is something very common amongst the biased partisans, whenever you see them quoting this statement, they always omit the last sentence, which is a very important exception and shows that the mere act of ruling by laws other than those of Allaah is not the disbelief that expels from the religion absolutely, unless accompanied with Istihlaal.

Shaikh Ali Hasan quoted the words of Ibn al-Qayyim regarding tabdeel (replacement of the Shari'ah) in his book Fitnah of Takfir'. Ibn al-Qayyim said, "And as for the replaced law (al-hukm al-mubaddal) - **and that is ruling by other than what Allaah has revealed** - then it is not permissible to implement it nor to act by it. It is not permissible to follow it, **and the one guilty of it is between (the states) of kufr (disbelief), fusooq (rebellion) and dhulm (oppression).**"¹⁵

From these words two things are apparent: 1) that ruling by other than what Allaah has revealed is replaced law and 2) this type of ruling can be either kufr, dhulm or fisq. Now which of the three it is (disbelief that expels from the religion, or just dhulm or fisq) depends on the beliefs and actions of the ruler. There are numerous factors that would render one who is guilty of tabdeel a disbeliever and amongst them:

- Claiming that what he is ruling by is actually from Allaah ¹⁶
- Making that which he is ruling by to be lawful (istihlaal)¹⁷
- Believing that that the law that one is ruling by (and by which he has replaced the Islamic law) is superior to the law of Allaah, or equal to it, or that it is permissible to judge by it.¹⁸

¹⁵ Kitaab ur-Rooh (p.655). In the words of Ibn al-Qayyim is a refutation of those who try to make a distinction between ruling by other than what Allaah has revealed and tabdeel with respect to the ruling concerning them.

¹⁶ Shaikh Ali quoted the words of Ibn Arabi al-Maalikee stating that he "has some other words in which there is a good explanation of the meaning of 'tabdeel'. He said in Ahkaam ul-Quraan 2/642 "If he rules with [the rules he brought from himself] **holding that they are from Allaah**, then that is tabdeel of the [rule of Allah] and necessitates disbelief and if he ruled by them due to a desire and out of disobedience, then that is a sin and upon the principle of Ahl us-Sunnah regarding forgiveness for the sinners, he will be able to reach forgiveness."

¹⁷ Shaikh Ali went quoted the words of Shaikh ul-Islaam in 'Mujmal I'tiqaad as-Salaf' (3/267 of Majmoo ul-Fataawaa): "And when a person declares a unanimously agreed unlawful matter to be lawful or a unanimously agreed lawful matter to be unlawful or replaced the Sharee'ah (baddala ash-Shar') - that [from it] which is agreed upon - he is a kaafir, an apostate by agreement of the jurists. And it is with regards to the likes of this that the following was revealed, according to one of two opinions: And whoever does not rule by what Allah has revealed then they are the disbelievers (Maa'idah 5:44), **meaning that he declares it to be permissible [as a matter of belief] (huwal-mustahillu) to rule by other than what Allah has revealed.**"

¹⁸ And this is what is apparent from the words of Shaikh Ibn Uthaimen upon contemplation, reflection and reconciliation of his statements in this regard. It is worthy to mention at this point a text of one his fatwaas (Majmoo Fataawaa Shaikh Ibn Uthaimen (2/144) which is relevant here:

"And ruling by other than what Allaah has revealed is of two types:

The first type: **that the ruler replaces (yastabdilu) the law of Allaah** the exalted by this law whilst he has knowledge of the law of Allaah **but he holds that the opposing law is more befitting and more beneficial for the servants than the rule of Allaah or that it is equal to the law of Allaah or that turning away from the law of Allaah is permissible (jaa'iz) - so therefore, he makes this law (qaanoon) the one that it is obligatory to refer back to for judgement (yajib at-Tahaakum ilaihi) -** so the likes of this one is a kaafir with the kufr that ejects from the religion **and that is because he is not pleased with Allaah as his Lord, Muhammad as his Messenger and Islaam as his religion** and the saying of Allaah are applicable to him,

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allāh for a people who have firm Faith. (5:50)

- Disliking and hating the Shari'ah¹⁹

Whosoever does not rule by what Allaah has revealed then they are the disbelievers [kaafiroon]. (5:44)

The second type: **that he replaces (yastabdilu) the law of Allaah** the exalted with an opposing law in a specific issue, **without making that a law (qaanoon) to which it is obligatory to refer to in judgement** - then he is in one of three conditions:

The first condition: that he does this knowing the rule of Allaah the Exalted, **whilst holding the belief (i'taqada) that the opposing law is more befitting than it and more beneficial for the servants, or that it is equal to it, or that turning away from the rule of Allaah is permissible**, so this one is a kaafir with the kufr which ejects from the religion as has preceded in the first category (above)

The second condition: that he does this knowing the rule of Allaah, believing that it is more befitting and more beneficial but he opposes it due to intending harm to the one (in whose case he is judging) - or in order to benefit the one (in whose case he is judging), so such a one is a dhaalim and is not a kaafir and it is about him that the saying of Allaah the Exalted was revealed: "and whoever does not judge by what Allaah has revealed, they are the dhaalimoon (oppressors)"

The third condition: that it is the same as above, but he opposed it due to a desire in his soul, or for a certain benefit that he would accrue, so this one is a faasiq (rebellious) and is not a kaafir and it is about him that the verse was revealed: "and whoever does not judge by what Allaah has revealed, they are the faasiqoon (rebellers)"

And this matter, - meaning judging by other than that which Allaah has sent down - is from the great matters which rulers of this time have been afflicted with widely, **so it is upon a person that he does not hasten in passing judgement upon them with something that they do not deserve until the truth is clear to him because this matter is dangerous**. We ask Allaah the Exalted that he corrects for the Muslims, those who have been appointed over their affairs.

Just as it is upon the person whom Allaah has given knowledge to, to make it clear to those rulers **in order for the truth to be established upon them, and for the clear way to be apparent** - so whoever is to go to destruction may do so upon clear evidence and whoever lives may do so upon clear evidence - and he should not belittle himself and stop himself from making it clear, nor should he have fear of anybody concerning that because Might/Honour is for Allaah and His Messenger and the believers." End of the Shaikh's words.

The Shaikh also said in 'Al-Qawl ul-Mufeed alaa Kitab ut-Tawhid' (2/263-269): "As regards the one who lays down legislative laws, despite his knowing the judgement of Allaah and that these laws are contrary to Allaah's judgement - then this person has substituted these laws in place of the Sharee'ah. Therefore he is a kaafir - this because he does not choose these laws and turn away from Allaah's Sharee'ah **except due to his belief that they are better for the people and the land than the law of Allaah. But when we say that he is a kaafir, then the meaning of this is that this action leads to disbelief. However the one who [legislates these secular laws] may have an excuse** - for example he may be one who has been deluded: such that it has been said to him that this does not conflict with Islaam, or that it is something allowable as a case of benefiting the people (masaalih al-mursala), or that it is something that Islaam has left up to the [custom of] the people. **So there are some scholars - even though they are in error - who say that social transaction (mu'aamalaat) is something not dealt with by Islaam, and that rather it is referred to whatever is found to benefit the economy in each particular time. So if the situation requires us to establish usury banks or to tax the people then there is no problem with this. There is no doubt concerning the error of [such a claim]. So if these people performed ijtihaad then may Allaah forgive them. Otherwise they are in a situation of very great danger and it is befitting that they are entitled `scholars of the state' and not `scholars of the Religion.**"

¹⁹ Shaikh Ibn Uthaimen said, "[Regarding] the one who judged by other than what Allaah has revealed, in replacement of the Deen of Allaah. This is the major kufr which expels from the religion. This is because this individual made himself a legislator along with Allaah, the Mighty and Majestic and because he dislikes the Sharee'ah." Fitnah of Takfir (p.101)

So when any of these traits are present along with the act of tabdeel, then it becomes the kufr which expels from the religion. However in the absence of such matters, it is the lesser kufr. **This is what is apparent from all the words of the Ulamaa, past and present, upon reconciliation of their words and statements, not in isolation of them. And this is why we consider that the Hujjah Ilmiyyah in this matter (knowledge based proof) rests with the likes of Imaam al-Albani and Ibn Baz as opposed to other than them²⁰.**

SEVEN: Concerning Ibn Katheer and Genghis Khan. Shaikh Ali Hasan appended a footnote to the words of Ibn al-Qayyim on the replaced law, stating:

“And Ibn Arabi al-Maalikee has some other words in which there is a good explanation of the meaning of ‘tabdeel’. He said in Ahkaam ul-Quraan 2/642 “If he rules with [the rules he brought from himself] holding that they are from Allaah, then that is tabdeel of the [rule of Allah] and necessitates disbelief and if he ruled by them due to a desire and out of disobedience, then that is a sin and upon the principle of Ahl us-Sunnah regarding forgiveness for the sinners, he will be able to reach forgiveness.” And this is the very same meaning with Shaikh ul-Islam Ibn Taymiyyah - may Allaah have mercy upon him - as will occur on page (16-18). **I say: And this tabdeel is exactly what Genghis Khan did in (the constitution) al-Yaasiq as the Imaam, Ibn Katheer said in ‘al-Bidaayah wan-Nihaayah’ (13/128) and he declared them to be disbelievers “because they rejected the rule of Allaah, doing that intently, out of resistance and wilfulness”** as he said himself in his tafseer (2/61). And for knowing some of the other reasons for which the scholars declared Genghis Khan to be a disbeliever and passed a verdict over his constitution al-Yaasiq by them, refer to Majmoo ul-Fataawaa of Shaikh ul-Islam 28/521-526).” End of Shaikh Ali’s footnote.

Now the objection raised by Abu Ruhayyim was due to Shaikh Ali’s statement, **“I say: And this tabdeel is exactly what Genghis Khan did in (the constitution) al-Yaasiq as the Imaam, Ibn Katheer said in ‘al-Bidaayah wan-Nihaayah’ (13/118)”** and the objection being that Ibn Katheer did not say that Genghis Khan was guilty of that tabdeel which Shaikh Ali had explained (i.e. the one referred to by Ibn Arabi al-Maliki and which requires that one claims that what he is ruling by is actually from Allaah) since, as Abu Ruhayyim argued, Genghis Khan originated these laws from himself and did not claim that they were from Allaah.

Here are the actual words of Ibn Katheer, “And some of them have mentioned that he would ascend a mountain, then descend, then ascend again, then descend – numerous times – until he became overtaken by tiredness and stupor (insensibility) **and then he would command those who were around him to write down what would be thrown at his tongue (yulqaa ‘alaa lisaanihi)**. And if this the situation was like this, then what is apparent is that it is Shaytaan that used to speak on his tongue, whatever would come out of it.”²¹

²⁰ Imaam Ibn Baaz was asked, “Is replacement (of the Shari’ah) with the secular laws considered to be major kufr that expels from the religion?”. He replied, “When he makes it permissible (istibaaha). When he makes it permissible to judge with a law other than the Shari’ah he becomes a disbeliever with the major kufr – if he makes that permissible...” Ibn Baz then quoted the verse in al-Ma’idah (5:44) and then proceeded to quote the tafseer of Ibn Abbaas, “kufr doona kufr”. Then the questioner said, “Is there a difference between replacement (tabdeel) and between ruling in a particular issue? ... Tabdeel O Shaikh?” To which the Shaikh replied, “This (i.e. the above explanation) covers all of the manifestations, in all of the manifestations...”. Refer to the book, ‘Hiwaar Hawla Masaa’il it-Takfeer Ma’a Allaamah ash-Shaikh Abdul-Azeez Ibn Baaz” and it is found also in al-Furqaan Magazine (no. 94)

²¹ Al-Bidaayah wan-Nihaayah (13/118)

So we say: Shaikh Ali understood from the words that Ibn Kathir quoted, in the statement "... and then he would command those who were around him to write down what would be thrown at his tongue (yulqaa 'alaa lisaanihi)..." to mean that he received revelation (from Allaah), and hence Shaikh Ali understood this to be the tabdeel (as defined by Ibn al-Arabi al-Maaliikee).

To understand why this is so, it is necessary to see exactly who was Genghis Khan and how he was viewed by his followers amongst the Tatars (and this was not expounded upon by Shaikh Ali Hasan in Fitnah of Takfir, but he devoted a separate chapter to it in his follow up Saihatu Nadhir).

- Shaikh ul-Islaam Ibn Taymiyyah said, "As the greatest of those who were sent forth to the Muslims - those in ash-Shaam - said, while he is addressing the messengers of the Muslims and seeks to get closer to them by saying 'We are Muslims' and then says: **"These two great signs (aayataan adheemataa) came from Allaah, Muhammad and Genghis Khan."** So this is what those who were sent forth (to the Muslims) used in order to get closer to the Muslims - by making the Messenger of Allaah and the most noble of creation and the chief of the sons of Aadam and the Seal of the Messengers - equal to a king who is a Kaafir, a Mushrik - one who is the greatest of the Mushriks in his disbelief, corruption, and enmity, such as Bukhtunassar and his likes"²²
- He also said, "...And that is because the belief (I'tiqaad) of those Tartars in Genghis Khan was mighty indeed - **for they used to believe that he was the Son of Allaah similarly to what the Christians believe regarding the Maseeh...**"²³
- And he continued, "...**And they along with this (knowing that he is a bastard child), make him the greatest of Messengers from Allaah in their adoration and aggrandisement of what he prescribed for them and legislated for them from his thoughts and desires** - until some of them said regarding the wealth they had : 'This is the sustenance of Genghis Khan' and they would offer thanks to him for their food and drink, **and they would make permissible the killing of the one who showed opposition to what this cursed kaafir prescribed for them** - this opposer to Allaah, His Prophets and His believing slaves."²⁴
- The statement of Imaam adh-Dhahabi concerning him, "He is the tyrant ruler of the Tartars, and also their very first king... **they obeyed him in the manner the companions of a prophet would obey their prophet, in fact in same way that that the sincere servants would show obedience to the Lord of the Worlds... and he died upon their religion and their disbelief.**"²⁵
- And adh-Dhahabee also said, **"And he did not used to adhere to the religion of Islaam and nor to other than it,** and killing a Muslim was more insignificant to him than killing a flea."²⁶

²² Majmoo' al-Fataawaa (28/521)

²³ Ibid.

²⁴ Ibid.

²⁵ Taarikh ul-Islaam (p.128)

²⁶ Siyar (22/234) and in Taaj ul-'Aroos there occurs, that "he would not subscribe to any of the religions of the earth" (7/98)

This is the reality of Genghis Khan and this was his position amongst those who followed him and worshipped him. He was considered **the greatest of Messengers of Allaah** because of what he prescribed and legislated for them. So what Genghis Khan prescribed and legislated was revered due to the belief of the Tatars that he was a Messenger of Allaah. And there is no doubt that such beliefs were not hidden from Genghis Khan who would slay anyone who opposed him and his law, rather he was pleased with such beliefs and perpetuated them, and it was not hidden from Genghis Khan that his chief ministers, such as Bukhtunassar, would preach **that he came from Allaah and was one of Allaah's greatest signs**. In light of these facts, one can clearly understand the nature of the kufr of Genghis Khan and the Tartars. In light of all of this, it is clear that Genghis Khan was considered to be a Messenger from Allaah, and the natural conclusion is that what he is ordering and commanding is considered – by both himself and his subjects - to be revelation from Allaah.

SUMMARY

These are some knowledge based answers to the prattling of Abu Ruhayyim as found in the follow up of Fitnah of Takfir, called “Saihatu Nadhir” (completed 10/Dhul’Qa’dah/1417H) – but they were not sufficient for him – and so over the years he strove – along with others - with whatever he could of cowardice and deception to amass and gather some from the people of knowledge against the Jordanian Shaikhs – having illustrated in all of that his fleeing on his heels from the Imaam and Muhaddith of the Era, al-Albani and his biased partisanship and loyalty to the Qutubiyah.

In our second paper, we will provide the detailed reply to the Permanent Committee written by Shaikh Ali Hasan himself.

May prayers and peace be upon the Messenger, his family and his companions.